

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

MFR0207 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2005/000714

International filing date (day/month/year)

24.03.2005

Priority date (day/month/year)

24.03.2004

International Patent Classification (IPC) or both national classification and IPC

H02K49/04

Applicant

TELMA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2005/000714

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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PCT/FR2005/000714

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	7-12, 16, 17, 20, 21	YES
	Claims	1-6, 13-15, 18, 19	NO
Inventive step (IS)	Claims	21	YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO
2. Citations and explanations:			
<p>Reference is made to the following documents:</p> <p>D1: US-A-3 871 466 (BRESSIERE PIERRE ETIENNE) 18 March 1975 (1975-03-18)</p> <p>D2: GB 826 048 A (BRITISH THOMSON HOUSTON CO LTD) 23 December 1959 (1959-12-23)</p> <p>V.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1-6, 13-15, 18 and 19 does not meet the requirement of novelty defined in PCT Article 33(2).</p> <p>V.1.1 Document D1, figure 3, discloses a retarder for reducing a rotational speed of a rotating machine, the retarder comprising a stator (20) through which passes a first shaft (13) having first and second ends intended to be respectively coupled to a second shaft (7) connected to a power source and to a third shaft (12) connected to a load and a rotor (16, 17) coupled in rotation to the first shaft, the first shaft being configured by way of its splines to be coupled with a slide fit to the second shaft (cf. column 3, lines 29-33) and the first shaft passing through the rotor (16, 17) and being able to slide axially with respect thereto. The ends of the</p>			

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
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second and third shafts are intended to constitute an integral part of a universal joint (cf. figure 3). Furthermore, the first shaft assumes the form of a sliding flange in that the second shaft slides inside the first shaft.

The subject matter of claims 1-6, 13-15, 18 and 19 is therefore not novel.

V.1.2 Document D2, figure 1, discloses a retarder similar to the retarder of D1, the ends of the shaft 1 that are provided with splines being intended to be coupled in an axially sliding manner to a second and third shaft which, although not shown, are necessarily present.

The subject matter of claims 1-3 is therefore not novel over D2.

V.2 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 7-13, 16, 17 and 20 does not involve an inventive step as defined in PCT Article 33(3).

V.2.1 Documents D1 and D2 respectively describe a retarder having a double rotor enclosing a stator and a double stator enclosing a rotor. No inventive step is involved in replacing these structures with a retarder provided with a single stator and rotor situated at one or other end of the first shaft. Therefore, the subject matter of claims 7-9 does not involve an inventive step.

V.2.2 The features of claims 10, 11, 16 and 17 are

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

commonplace in the field of automotive construction in general and of retarders in particular. The construction of a retarder according to the teaching of D1 and D2, including such features, could therefore not involve an inventive step.

V.2.3 Furthermore, it does not appear that the features of claims 12 and 20 involve a specific inventive step.

V.2.4 The features of claim 21 are neither known from nor suggested by the available prior art.

The subject matter of claim 21 is therefore considered to be novel (PCT Article 33(2)) and to involve an inventive step (PCT Article 33(3)).

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Name and mailing address of the ISA/IEP

Authorized officer

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Telephone No.

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2005/000714

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
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☐ contained in the international application as filed.
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☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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1. Statement			
Novelty (N)	Claims	7-12, 16, 17, 20, 21	YES
	Claims	1-6, 13-15, 18, 19	NO
Inventive step (IS)	Claims	21	YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO
2. Citations and explanations:			
<p>Reference is made to the following documents:</p> <p>D1: US-A-3 871 466 (BRESSIÈRE PIERRE ETIENNE) 18 March 1975 (1975-03-18)</p> <p>D2: GB 826 048 A (BRITISH THOMSON HOUSTON CO LTD) 23 December 1959 (1959-12-23)</p> <p>V.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1-6, 13-15, 18 and 19 does not meet the requirement of novelty defined in PCT Article 33(2).</p> <p>V.1.1 Document D1, figure 3, discloses a retarder for reducing a rotational speed of a rotating machine, the retarder comprising a stator (20) through which passes a first shaft (13) having first and second ends intended to be respectively coupled to a second shaft (7) connected to a power source and to a third shaft (12) connected to a load and a rotor (16, 17) coupled in rotation to the first shaft, the first shaft being configured by way of its splines to be coupled with a slide fit to the second shaft (cf. column 3, lines 29-33) and the first shaft passing through the rotor (16, 17) and being able to slide axially with respect thereto. The ends of the</p>			

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citations and explanations supporting such statement

second and third shafts are intended to constitute an integral part of a universal joint (cf. figure 3). Furthermore, the first shaft assumes the form of a sliding flange in that the second shaft slides inside the first shaft.

The subject matter of claims 1-6, 13-15, 18 and 19 is therefore not novel.

V.1.2 Document D2, figure 1, discloses a retarder similar to the retarder of D1, the ends of the shaft 1 that are provided with splines being intended to be coupled in an axially sliding manner to a second and third shaft which, although not shown, are necessarily present.

The subject matter of claims 1-3 is therefore not novel over D2.

V.2 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 7-13, 16, 17 and 20 does not involve an inventive step as defined in PCT Article 33(3).

V.2.1 Documents D1 and D2 respectively describe a retarder having a double rotor enclosing a stator and a double stator enclosing a rotor. No inventive step is involved in replacing these structures with a retarder provided with a single stator and rotor situated at one or other end of the first shaft. Therefore, the subject matter of claims 7-9 does not involve an inventive step.

V.2.2 The features of claims 10, 11, 16 and 17 are

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commonplace in the field of automotive construction in general and of retarders in particular. The construction of a retarder according to the teaching of D1 and D2, including such features, could therefore not involve an inventive step.

V.2.3 Furthermore, it does not appear that the features of claims 12 and 20 involve a specific inventive step.

V.2.4 The features of claim 21 are neither known from nor suggested by the available prior art.

The subject matter of claim 21 is therefore considered to be novel (PCT Article 33(2)) and to involve an inventive step (PCT Article 33(3)).